

§102(b) Rejection

Kurschner US 5497704 discloses a sensor which can detect muzzle exit and which can count turns. However, the turns counting is **not used** in connection with arming the projectile, but instead for determining the range to burst. In Kurschner, muzzle exit sets a timer to zero and after a predetermined time the projectile is armed (Col. 7 lines 44-46). **Neither spin rate or turns counted in Kurschner are used to determine safe separation upon which the projectile is armed.** The determination of spin rate in Kurschner is used to calculate muzzle velocity (Col. 4 lines 40-42). Spin rate is **not used** in Kurschner to determine an acceptable predetermined value which must be achieved prior to arming the projectile, as claimed in claim 1. The number of turns counted in Kurschner is used to determine the range to burst of the projectile, and **no predetermined number of turns** is used to arm the projectile. Therefore, claims 1-14 of the present application distinguish over the Kurschner reference.

§103 Rejection

As discussed above, Kurschner does not disclose all of the elements of the independent claims and therefore does not meet the dependent claims 7-9.

Conclusion

Applicant believes that claims 1-14 are now in condition for allowance and requests allowance and reconsideration of claims 1-14. If the Examiner would like to discuss any issue raised in this Response which would facilitate passage of this case on to allowance, he is respectfully requested to telephone Applicant's attorney, Richard A. Arrett, at (952) 563-3005 to discuss any questions or comments he may have.

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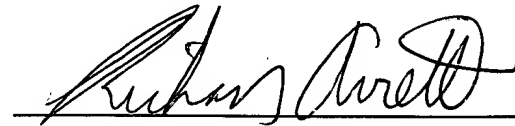
Reply To Office Action

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: October 2, 2001

By:

A handwritten signature in dark ink, appearing to read "Richard A. Arrett", is written over a horizontal line.

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